

the predominate color of the shell and affects more than one-fourth of the total shell surface or, on dyed nuts, when readily noticeable.

(v) *Dark stained* on raw or roasted nuts, when an aggregate amount of dark brown, dark gray or black discoloration affects more than one-eighth of the total shell surface, or, on dyed nuts, when readily noticeable.

(e) *Internal (kernel) defects* means any blemish affecting the kernel. Such defects include, but are not limited to evidence of insects, immature kernels, rancid kernels, mold, or decay.

(1) *Damage* by internal (kernel) defects means any specific defect described in paragraphs (e)(1) (i) through (iii) of this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance or the edible or marketing quality of the individual kernel or of the lot (For tolerances see §51.2542, Table II).

(i) *Minor white or gray mold* when not readily noticeable on the kernel and which can be easily rubbed off with the fingers.

(ii) *Immature kernels* when they are excessively thin or when a kernel fills less than three-fourths, but not less than one-half the shell cavity.

(iii) *Kernel spots* when dark brown or dark gray and aggregating more than one-eighth of the surface of the kernel.

(2) *Serious damage* by internal (kernel) defects means any specific defect described in paragraphs (e)(2) (i) through (v) of this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which seriously detracts from the appearance or the edible or the marketing quality of the individual kernel or of the lot. (For tolerances see §51.2542, Table II).

(i) *Minor insect or vertebrate injury* when the kernel shows conspicuous evidence of feeding.

(ii) *Insect damage* when an insect, insect fragment, web or frass is attached to the kernel. No live insects shall be permitted.

(iii) *Mold* when any type is readily visible on the shell or kernel.

(iv) *Rancidity* means the kernel is distinctly rancid to taste. Staleness of flavor shall not be classed as rancidity.

(v) *Decay* when any portion of the kernel is decomposed.

(f) *Other defects* means defects which cannot be considered internal defects or external defects. Such defects include, but are not limited to shell pieces, blanks, foreign material or particles and dust. The following shall be considered other defects. (For tolerances see §51.2542, Table III).

(1) *Shell pieces* means half shells or pieces of shell which are loose in the sample.

(2) *Blank* means a split or a non-split shell not containing a kernel or containing a kernel that fills less than one-half the shell cavity.

(3) *Foreign material* means leaves, sticks, loose hulls or hull pieces, dirt, rocks, insects or insect fragments not attached to nuts, or any substance other than pistachio shells or kernels. Glass, metal or live insects shall not be permitted.

(4) *Particles and dust* means pieces of nut kernels which will pass through a $\frac{3}{64}$ inch round opening.

§51.2546 Average moisture content determination.

(a) Determining average moisture content of the lot is not a requirement of the grades, except when nuts are specified as "very well dried." It may be carried out upon request in connection with grade analysis or as a separate determination.

(b) Nuts shall be obtained from a randomly drawn composite sample and only kernels shall be used for analysis. Shells and all non-kernel material shall be removed immediately before analysis. Official certification shall be based on the air-oven method or other officially approved methods or devices. Results obtained by methods or devices not officially approved may be reported and shall include a description of the method or device and the owner of any equipment used.

§51.2547 Metric conversion table.

Inches	Millimeters
5/64	1.98
18/1000	0.46
1/4	6.35

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Inches	Millimeters
26/64	10.32
Ounces	Grams
1	28.35
2	56.70

[57 FR 1636, Jan. 15, 1992]

Subpart—United States Standards for Grades of Shelled Pistachio Nuts

SOURCE: 55 FR 28747, July 13, 1990, unless otherwise noted.

§ 51.2555 General.

(a) Compliance with the provisions of these standards shall not excuse failure to comply with provisions of applicable Federal or State laws.

(b) These standards are applicable to raw, roasted, or salted pistachio kernels; or any combination thereof. However, nuts of obviously dissimilar forms shall not be commingled.

§ 51.2556 Grades.

(a) “U.S. Fancy,” “U.S. No. 1,” and “U.S. No. 2” consist of pistachio kernels which meet the following basic requirements:

(1) Well dried, or very well dried when specified in connection with the grade.

(2) Free from:

(i) Foreign material, including in-shell nuts, shells, or shell fragments.

(3) Free from damage by:

(i) Minor mold;

(ii) Immature kernels;

(iii) Spotting; and,

(iv) Other defects.

(4) Free from serious damage by:

(i) Mold;

(ii) Minor insect or vertebrate injury;

(iii) Insect damage;

(iv) Rancidity;

(v) Decay; and,

(vi) Other defects.

(5) Unless otherwise specified, kernels shall meet the size classification of Whole Kernels (See § 51.2559).

§ 51.2557 Tolerances.

(a) In order to allow for variations incident to proper grading and handling,

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the tolerances, by weight, in Table I are provided.

TABLE I

Factors (Tolerances by weight)	Percent		
	U.S. fancy	U.S. No. 1	U.S. No. 2
(a) Damage	2.0	2.5	3.0
(b) Serious Damage	1.5	2.0	2.5
(1) Insect Damage (included in [b])3	.4	.5
(c) Foreign Material03	.05	.1

[55 FR 28747, July 13, 1990; 55 FR 29938, July 23, 1990]

§ 51.2558 Application of tolerances.

The tolerances for the grades apply to the entire lot and shall be based on a composite sample representative of the lot. Any container or group of containers which have kernels obviously different in quality or size from those in the majority of containers shall be considered a separate lot and shall be sampled separately.

§ 51.2559 Size classifications.

(a) The size of pistachio kernels may be specified in connection with the grade in accordance with one of the following size classifications.

(1) Whole Kernels: 80 percent or more by weight shall be whole kernels and not more than 5 percent of the total sample shall pass through a $\frac{1}{64}$ inch round opening, including not more than 1 percent of the total sample shall pass through a $\frac{5}{64}$ inch round opening.

(2) Whole and Pieces: 40 percent or more by weight shall be whole kernels and not more than 15 percent of the total sample shall pass through a $\frac{1}{64}$ inch round opening, including not more than 2 percent of the total sample shall pass through a $\frac{5}{64}$ inch round opening.

(3) Large Pieces: Portions of kernels of which not more than 10 percent will remain on a $\frac{2}{64}$ inch round opening, provided that not more than 20 percent of the total sample shall pass through a $\frac{1}{64}$ inch round opening, including not more than 2 percent of the total sample shall pass through a $\frac{5}{64}$ inch round opening. Not more than 25 percent of the total sample shall be whole kernels.

(4) Small Pieces: Portions of kernels of which not more than 10 percent will